24 pg

MONTANA LEGISLATIVE HISTORY

Chapter 146 19 95

Bill H _____ S 270 Original bill & history ✓ C

H. Committee on Human Services.... S. Committee on Public Health...

Hearing Date(s)	3-3	✓ C	Hearing Date(s)	2-8	✓ C
		C			C
		C			C
		C			C
Date Out		C			

Did this bill originate in an interim committee? ____ Yes ____ No

Committee _____ Report _____

SB 269 INTRODUCED BY CRIPPEN

ADOPT THE INTERSTATE WILDLIFE VIOLATOR COMPACT AND PROVIDE AUTHORITY TO IMPLEMENT THE COMPACT TO THE DEPARTMENT OF FISH, WILDLIFE, AND PARKS

BY REQUEST OF THE DEPARTMENT OF FISH, WILDLIFE, AND PARKS

1/28	INTRODUCED		
1/28	FIRST READING		
1/28	REFERRED TO FISH & GAME		
1/30	FISCAL NOTE REQUESTED		
2/02	HEARING		
2/03	COMMITTEE REPORT—BILL PASSED		
2/04	FISCAL NOTE RECEIVED		
2/04	FISCAL NOTE PRINTED		
2/04	2ND READING PASSED	30	15
2/06	3RD READING PASSED	32	13
	TRANSMITTED TO HOUSE		
2/07	FIRST READING		
2/15	REFERRED TO FISH & GAME		
2/28	HEARING		
3/01	COMMITTEE REPORT—BILL CONCURRED		
3/03	2ND READING CONCURRED	94	6
3/04	3RD READING CONCURRED	90	7
	RETURNED TO SENATE		
3/06	SIGNED BY PRESIDENT		
3/06	SIGNED BY SPEAKER		
3/08	TRANSMITTED TO GOVERNOR		
3/10	SIGNED BY GOVERNOR		
	CHAPTER NUMBER 122		
	EFFECTIVE DATE: 10/01/95		

SB 270 INTRODUCED BY BURNETT, ET AL.

REQUIRE DESTRUCTION OF RECORDS OF REPORTS OF CHILD ABUSE OR NEGLECT IF THE CHILD IS DETERMINED NOT TO HAVE BEEN ABUSED OR NEGLECTED AND THE INITIAL REPORT IS UNFOUNDED

1/30	INTRODUCED		
1/30	FIRST READING		
1/30	REFERRED TO PUBLIC HEALTH, WELFARE & SAFETY		
2/08	HEARING		
2/08	COMMITTEE REPORT—BILL PASSED AS AMENDED		
2/09	2ND READING PASSED	45	3
2/10	3RD READING PASSED	47	2
	TRANSMITTED TO HOUSE		
2/13	FIRST READING		
2/15	REFERRED TO HUMAN SERVICES & AGING		
3/03	HEARING		
3/06	COMMITTEE REPORT—BILL CONCURRED		
3/07	2ND READING CONCURRED	100	0
3/08	3RD READING CONCURRED	100	0
	RETURNED TO SENATE		
3/11	SIGNED BY PRESIDENT		
3/11	SIGNED BY SPEAKER		
3/13	TRANSMITTED TO GOVERNOR		
3/15	SIGNED BY GOVERNOR		
	CHAPTER NUMBER 146		
	EFFECTIVE DATE: 10/01/95		

SENATE BILL NO. 270

INTRODUCED BY Burnett Grinde

A BILL FOR AN ACT ENTITLED: "AN ACT REQUIRING THE DESTRUCTION OF RECORDS OF REPORTS OF CHILD ABUSE OR NEGLECT IF THE CHILD IS DETERMINED NOT TO HAVE BEEN ABUSED OR NEGLECTED; AND AMENDING SECTIONS 41-3-202 AND 41-3-204, MCA."

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

Section 1. Section 41-3-202, MCA, is amended to read:

"**41-3-202. Action on reporting.** (1) Upon receipt of a report, as required by 41-3-201, that a child is or has been abused or neglected, a social worker or the county attorney or a peace officer shall promptly conduct a thorough investigation into the home of the child involved or any other place where the child is present, into the circumstances surrounding the injury of the child, and into all other nonfinancial matters ~~which~~ that in the discretion of the investigator are relevant to the investigation. In conducting an investigation under this section, a social worker may not inquire into the financial status of the child's family or of any other person responsible for the child's care, except as necessary to ascertain eligibility for federal assistance programs or to comply with the provisions of 41-3-406.

(2) The social worker is responsible for assessing the family and planning for the child. If the child is treated at a medical facility, the social worker, county attorney, or peace officer ~~shall~~, consistent with reasonable medical practice, ~~have~~ has the right of access to the child for interviews, photographs, and securing physical evidence and ~~have~~ has the right of access to relevant hospital and medical records pertaining to the child. If considered appropriate by the social worker, county attorney, or peace officer conducting an interview of the child, an employee of the public school attended by the child involved may participate in any interview of the child if the child is enrolled in kindergarten through 8th grade.

(3) (a) If from the investigation it appears that the child suffered abuse or neglect, the department shall provide protective services to the child and may provide protective services to any other child under the same care. The department will advise the county attorney of its investigation.

(b) If from the investigation it appears that the child has not suffered abuse or neglect, the department shall destroy all records concerning the report and the investigation. The destruction must be

completed within 20 days of the determination that the child has not suffered abuse or neglect.

(4) The investigating social worker, within 60 days of commencing an investigation, shall also furnish a written report to the department. ~~The~~ Subject to subsection (3)(b), the department shall maintain a record system containing child abuse and neglect cases.

(5) Any person reporting abuse or neglect ~~which~~ that involves acts or omissions on the part of a public or private residential institution, home, facility, or agency ~~shall be~~ is responsible for ensuring that the report is made to the department ~~of family services~~, its local affiliate, and the county attorney of the county in which the facility is located."

Section 2. Section 41-3-204, MCA, is amended to read:

"**41-3-204. Admissibility and preservation of evidence.** (1) In any proceeding resulting from a report made pursuant to the provisions of this chapter or in any proceeding ~~where~~ for which the report or its contents are sought to be introduced into evidence, the report or its contents or any other fact related to the report or to the condition of the child who is the subject of the report ~~shall~~ may not be excluded on the ground that the matter is or may be the subject of a privilege related to the examination or treatment of the child and granted in Title 26, chapter 1, part 8, except the attorney-client privilege granted by 26-1-803.

(2) Any person or official required to report under 41-3-201 may take or cause to be taken photographs of the area of trauma visible on a child who is the subject of a report. The cost of photographs taken under this section ~~shall~~ must be paid by the department.

(3) When any person required to report under 41-3-201 finds visible evidence that a child has suffered abuse or neglect, ~~he must~~ the person shall include in ~~his~~ the report either a written description or photographs of the evidence.

(4) A physician, either in the course of ~~his~~ providing medical care to a minor or after consultation with child protective services, the county attorney, or a law enforcement officer, may require x-rays to be taken when, in ~~his~~ the physician's professional opinion, there is a need for radiological evidence of suspected abuse or neglect. X-rays may be taken under this section without the permission of the parent or guardian. The cost of the x-rays ordered and taken under this section ~~shall~~ must be paid by the county child protective service agency.

(5) All written, photographic, or radiological evidence gathered under this section ~~shall~~ must be sent to the local affiliate of the department at the time that the written confirmation report is sent or as

1 soon ~~thereafter~~ after the report is sent as is possible. If a confirmation report is not made, the evidence
2 and the initial report must be destroyed as provided in 41-3-202(3)(b)."
3 -END-

BILL NO	REFERRED	HEARING	OTHER CONSIDERATION DATES	EXECUTIVE ACTION/DATE/VOTE	REREFERRED	DATE READ
SB0236	WATERMAN, MIGNON 1/25	2/13	MEDICAID ESTATE RECOVERIES	PASS AS AMENDED 2/15 VOTE:		2/15
SB0240	VAN VALKENBURG, FRED 1/25	2/15	RESTRICTED LICENSE FOR FOREIGN-TRAINED PHYSICIAN UNDER CERTAIN CONDITIONS	DO PASS 2/15 VOTE:		2/15
SB0244	WATERMAN, MIGNON 1/25	2/06	REQUIRE PERMANENT PLACEMENT PLAN FOR CHILDREN & REVIEW OF ADOPTION LAW	PASS AS AMENDED 2/8 VOTE:		2/08
SB0248	CRISMORE, WILLIAM 1/26	2/13	CESSPOOL, SEPTIC TANK, PRIVY CLEANING -- LOCAL REGULATION	TABLED ON 02/15 VOTE:		
SB0270	BURNETT, JIM 1/30	2/08	RECORD DESTRUCTION IF CHILD DETERMINED NOT TO BE ABUSED OR NEGLECTED	PASS AS AMENDED 2/8 VOTE:		2/08
SB0271	BURNETT, JIM 1/30	2/08	CLARIFY POLICY REGARDING CHILD PLACEMENT	PASS AS AMENDED 2/8 VOTE:		2/08
SB0293	HARDING, ETHEL 2/02	2/17	ESTABLISH MEDICAID FRAUD AND ABUSE UNIT AND LAWS	PASS AS AMENDED 2/17 VOTE:		2/18
SB0307	HARDING, ETHEL 2/04	2/17	REVISE ACUPUNCTURE LAW	PASS AS AMENDED 2/17 VOTE:		2/18
SB0310	JACOBSON, JUDY 2/04	2/15	REVISE PHYSICIAN ASSISTANT LAW ON PRESCRIPTIONS AND VOTING	PASS AS AMENDED 2/15 VOTE:		2/15
SB0320	FRANKLIN, EVE 2/07		REVISE NURSE PRACTICE ACT	VOTE:	BUSINESS & LABOR	
SB0327	KLAMPE, TERRY 2/08		REVISE CHIROPRACTIC LICENSURE	VOTE:	BUSINESS & LABOR	
SB0339	CHRISTIAENS, CHRIS 2/09	2/13	REVISE HEALTH INSURANCE COVERAGE FOR MENTAL HEALTH, CHEMICAL DEPENDENCY	PASS AS AMENDED 2/15 VOTE:		2/15

MINUTES

MONTANA SENATE
54th LEGISLATURE - REGULAR SESSION

COMMITTEE ON PUBLIC HEALTH, WELFARE & SAFETY

Call to Order: By **ACTING CHAIRMAN LARRY BAER**, on February 8, 1995, at 12:35 PM

ROLL CALL

Members Present:
Sen. James H. "Jim" Burnett, Chairman (R)
Sen. Steve Benedict, Vice Chairman (R)
Sen. Larry L. Baer (R)
Sen. Sharon Estrada (R)
Sen. Arnie A. Mohl (R)
Sen. Mike Sprague (R)
Sen. Dorothy Eck (D)
Sen. Eve Franklin (D)
Sen. Terry Klampe (D)

Members Excused: None

Members Absent: None

Staff Present: Susan Fox, Legislative Council
Karolyn Simpson, Committee Secretary

Please Note: These are summary minutes. Testimony and discussion are paraphrased and condensed.

Committee Business Summary:
Hearing: SB 134, SB 270, SB 271
Executive Action: SB 217, SB 168, SB 244, SB 134, SB 270, SB 271

{Tape: 1; Side: 1}

HEARING ON SB 134

Opening Statement by Sponsor:

SENATOR TERRY KLAMPE, SD 31, Florence, said that SB 134 is health care reform that is doable now, but will have a sizeable impact on individual's checkbooks. SB 134 sends a message to health care providers: be honest. SB 134 is an act requiring the health care provider or medical practitioner to inform the patient of their financial interest in a service to which a patient is being referred for treatment, diagnosis, or prescription. He referred to the amendments, Health care referral services. **EXHIBIT 1.**

HEARING ON SB 270

Opening Statement by Sponsor:

SENATOR JIM BURNETT, SD 12, Luther, said SB 270 is an act requiring the destruction of records of reports of child abuse or neglect if the child is determined not to have been abused or neglected. When there are allegations of abuse, it stays on the record. He said the records should be destroyed if the abuse is not proven. The Department of Family Services has some amendments to the bill.

Proponents' Testimony:

Hank Hudson, Director, Department of Family Services, supports SB 270 with the amendments. When the Department receives a call alleging abuse or neglect, there is an investigation and a decision must be made that abuse is substantiated or not. Some cases are obvious there is abuse and neglect and are classified as such. In others, there is no clear evidence of willful abuse or neglect, but they think something went on but don't know what, so these are classified as unsubstantiated. Then there's another classification of cases that are going to be labeled as unfounded because there is clearly no basis for the accusation of abuse or neglect. These are the records that will be destroyed, which makes DFS nervous because sometimes, people will call in reports of abuse or neglect against an ex-spouse in a custody battle or out of meanness, or a child care provider sees a bruise on a child and calls the Department, when there is no foundation for the accusation. There are policies in place to destroy unsubstantiated records in a prudent time frame. They don't immediately destroy the unsubstantiated records because there may be no proof the first time, but then may occur a second or third time. It's hard to tell if there is abuse or neglect on any given instance, but records of multiple instances, over a period of time, will give DFS something to go on. DFS wants to retain unsubstantiated records 3 years after the determination has been made, but they want to destroy the unfounded records within 20 days from the final determination. He referred the amendment to line 29, page 1. **EXHIBIT 3.**

SENATOR SPRAGUE came in to hearing.

Mary Alice Cook, representing Advocates for Montana's Children, said that she supports SB 270 if it is amended.

Opponents' Testimony: None

Questions From Committee Members and Responses:

SENATOR KLAMPE asked what would happen if the allegations were determined to be unfounded, the records destroyed, then later the allegations were found to be true and the records are gone.

Hank Hudson replied, because the records have been destroyed, it would have to be an entirely new investigation without the past records being a factor.

SENATOR KLAMPE asked whether the past records could be used in court.

Hank Hudson said he didn't think that would happen.

SENATOR MOHL asked how DFS came up with the 3-year time to keep records.

Hank Hudson said he thinks three years is probably a nationwide standard, and if there are no further allegations, then probably there wouldn't be more.

SENATOR MOHL asked, in the past, how many cases come back after three years.

Hank Hudson said if there was a single unsubstantiated allegation, and nothing comes back within 3 years, there probably is no problem with safety of the family. Families who are going to have serious problems providing a safe environment for their children are going to have that problem with a high frequency, and there would be more instances long before the three-years. The problem would not just go away.

Closing by Sponsor:

SENATOR BURNETT said SB 270 gives rights to the individual because many times there are accusations when there is no actual abuse. He said the biggest problem of unfounded allegations are in child custody and divorce cases.

Hearing closed on SB 270.

HEARING ON SB 271

Opening Statement by Sponsor:

SENATOR JIM BURNETT, SD 12, Luther, said SB 271 is an effort to correct inequities that have been perpetrated by the Department of Family Services. He referred to lines 25-28, page 1, and lines 5-8, page 2. He read portions of a letter received from **Gary Wilson** from Missoula. **EXHIBIT 4 - see highlighted portions.** He said DFS has some amendments to the bill.

Proponents' Testimony:

Hank Hudson, Director, Department of Family Services, said when people criticize the Department and suggest changes, they think it's just hitting a blank wall, but they listen to every suggestion and do make some changes. He said the Department's policy is to place children with the extended family, whenever

EXECUTIVE ACTION ON SB 270

Motion/Vote: SENATOR BURNETT moved the AMENDMENTS TO SB 270 DO PASS. The motion CARRIED UNANIMOUSLY.

Motion/Vote: SENATOR BURNETT moved SB 270 DO PASS AS AMENDED. The motion CARRIED UNANIMOUSLY.

EXECUTIVE ACTION ON SB 271

Motion/Vote: SENATOR BURNETT moved the AMENDMENTS to SB 271 DO PASS. The Do Pass motion for the AMENDMENTS TO SB 217 CARRIED UNANIMOUSLY.

Motion/Vote: SENATOR BURNETT moved SB 271 DO PASS AS AMENDED. The motion CARRIED UNANIMOUSLY.

ADJOURNMENT

Adjournment: 1:45 PM

SENATOR LARRY BAER, Acting Chairman

KAROLYN SIMPSON, Secretary

LB/ks

MONTANA SENATE
1995 LEGISLATURE
PUBLIC HEALTH, WELFARE AND SAFETY COMMITTEE

ROLL CALL DATE 2/8/95

NAME	PRESENT	ABSENT	EXCUSED
LARRY BAER	X		
SHARON ESTRADA	X		
ARNIE MOHL	X		
MIKE SPRAUGE	X		
DOROTHY ECK	X		
EVE FRANKLIN	X		
TERRY KLAMPE	X		
STEVE BENEDICT, VICE CHAIRMAN	X		
JIM BURNETT, CHAIRMAN	X		

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CS-09

SENATE STANDING COMMITTEE REPORT

February 8, 1995

MR. PRESIDENT:
We, your committee on Public Health, Welfare, and Safety having had under consideration SB 270 (first reading copy -- white), respectfully report that SB 270 be amended as follows and as so amended do pass.

Signed: Jim Burnett
Senator Jim Burnett, Chair

That such amendments read:

11 Title, line 6.
Following: "NEGLECTED"
Insert: "AND THE INITIAL REPORT IS UNFOUNDED"

2. Page 1, line 29.
Following: "neglect"
Insert: "and the initial report is determined to be unfounded"

-END-

Amd. Coord.
Sec. of Senate

331617SC.SRF

SENATE HEALTH & WELFARE
EXHIBIT NO. 3
DATE 2/8/95
BILL NO. SB270

Amendments to Senate Bill No. 270
First Reading Copy

For the Committee on Public Health, Welfare, and Safety

Prepared by Susan Byorth Fox
February 8, 1995

1. Title, line 6.
Following: "NEGLECTED"
Insert: "AND THE INITIAL REPORT IS UNFOUNDED"

2. Page 1, line 29.
Following: "neglect"
Insert: "and the initial report is determined to be unfounded"

DATE 2/8/95

SENATE COMMITTEE ON Public Health

BILLS BEING HEARD TODAY: SB 134, 270, 271

< ■ > PLEASE PRINT < ■ >

Name	Representing	Bill No.	Check One: Support	Check One: Oppose
Scott Erler DDS	Board of Dent	134	X	
J. Loendorf	Mt. Med Ass	134	X	
J Wannacott		270		X
J Crowley		270		X
Mary Alice Cook	Adv. for MTS Children	270, 271	Amended ✓	
Beth L Sauer	Self	270	✓	

VISITOR REGISTER

PLEASE LEAVE PREPARED STATEMENT WITH COMMITTEE SECRETARY

REGISTER.F10

BILL NO	REFERRED	HEARING	OTHER CONSIDERATION DATES	EXECUTIVE ACTION/DATE/VOTE	REREFERRED	DATE READ
SB0240	VAN VALKENBURG, FRED 2/20	3/06	RESTRICTED LICENSE FOR FOREIGN-TRAINED PHYSICIAN UNDER CERTAIN CONDITIONS	CONCUR 03/06 VOTE: 16-0		3/07
SB0244	WATERMAN, MIGNON 2/15	3/03	REQUIRE PERMANENT PLACEMENT PLAN FOR CHILDREN & REVIEW OF ADOPTION LAW	CONCUR 03/20 VOTE: 16-0		3/22
SB0270	BURNETT, JIM 2/15	3/03	RECORD DESTRUCTION IF CHILD DETERMINED NOT TO BE ABUSED OR NEGLECTED	CONCUR 03/03 VOTE: 14-0		3/06
SB0271	BURNETT, JIM 2/20	3/03	CLARIFY POLICY REGARDING CHILD PLACEMENT	CONCUR AS AMENDED 03/10 VOTE: 13-0		3/13
SB0293	HARDING, ETHEL 2/22	3/10	ESTABLISH MEDICAID FRAUD AND ABUSE UNIT AND LAWS	CONCUR AS AMENDED 03/22 VOTE: 15-		3/24
SB0310	JACOBSON, JUDY 2/20	3/06	REVISE PHYSICIAN ASSISTANT LAW ON PRESCRIPTIONS AND VOTING postponed 03/06	CONCUR 03/13 VOTE: 13-3		3/16
SB0339	CHRISTIAENS, CHRIS 3/09	3/20	REVISE HEALTH INSURANCE COVERAGE FOR MENTAL HEALTH, CHEMICAL DEPENDENCY	CONCUR AS AMENDED 03/22 VOTE: 14-1		3/27
SB0385	ECK, DOROTHY 3/27	3/31	AUTHORIZE PROVISION OF MEDICAL SERVICES FOR CHILDREN INELIGIBLE FOR MEDICAID	CONCUR 03/31 VOTE: 15-1		4/04
SB0388	HARP, JOHN 2/27	3/15	CREATE SYSTEM OF MEDICAID MANAGED CARE	CONCUR 03/22 VOTE: 14-1		3/24
SB0395	BARTLETT, SUE 2/27	3/20	REVISE BD OF NURSING LAWS; PROVIDE TEMP WRK PRMIT FOR NURSES AWAITING CERTIF	CONCUR AS AMENDED 03/22 VOTE: 16-0		3/24
SB0401	CHRISTIAENS, CHRIS 2/22	3/08	REQUIRE DISCLOSURE OF INFECTIOUS DISEASE TO MORTUARY PERSONNEL	CONCUR 03/13 VOTE: 15-0		3/16
SB0416	SWYSGOOD, CHUCK 3/14	3/20	REVISE CERTIFICATE OF NEED LAWS -- CONTINGENT REPEALER	CONCUR 03/22 VOTE: 16-0		3/24

MINUTES

MONTANA HOUSE OF REPRESENTATIVES
54th LEGISLATURE - REGULAR SESSION

COMMITTEE ON HUMAN SERVICES & AGING

Call to Order: By **CHAIRMAN DUANE GRIMES**, on March 3, 1995, at 3:00 p.m.

ROLL CALL

Members Present:

Rep. Duane Grimes, Chairman (R)
Rep. John C. Bohlinger, Vice Chairman (Majority) (R)
Rep. Carolyn M. Squires, Vice Chairman (Minority) (D)
Rep. Chris Ahner (R)
Rep. Ellen Bergman (R)
Rep. Bill Carey (D)
Rep. Dick Green (R)
Rep. Antoinette R. Hagener (D)
Rep. Deb Kottel (D)
Rep. Bonnie Martinez (R)
Rep. Brad Molnar (R)
Rep. Liz Smith (R)
Rep. Susan L. Smith (R)
Rep. Loren L. Soft (R)

Members Excused: Rep. Bruce T. Simon (R)

Members Absent: Rep. Kenneth Wennemar (D)

Staff Present: David Niss, Legislative Council
Jacki Sherman, Committee Secretary

Please Note: These are summary minutes. Testimony and discussion are paraphrased and condensed.

Committee Business Summary:

Hearing: SB 244, SB 270
Executive Action: SB 150 BE CONCURRED IN AS AMENDED
SB 217 BE CONCURRED IN
SB 271 POSTPONED
SB 270 BE CONCURRED IN
SB 40 BE CONCURRED IN
SB 84 BE CONCURRED IN

{Tape: 1; Side: A; Approx. Counter: 0; Comments: None.}

REP. BRAD MOLNAR asked if there really was a need for the bill and **Mr. Hudson** replied that they needed clearer direction and more involvement through the legislative process.

REP. MOLNAR asked if the time frame of one or two years for some children with more difficult problems was adequate for the cutting of ties to the family. **Mr. Hudson** stated that the time frame needed would vary from child to child but they needed some guidelines to follow. The focus should be permanency through the eyes of the child. They need to know where they belong and to whom.

REP. MOLNAR asked **Mr. Hudson** if he would have a problem with an amendment to seek public input on foster care issues.

REP. SOFT expressed a desire to see a copy of the budget laid out for the three year plan.

REP. L. SMITH asked for grant statistics by regions.

CHAIRMAN GRIMES asked the sponsor about problems in foster homes with kids less than one year versus to permanent adoption placements. **SEN. WATERMAN** responded that it was pertaining to a permanent home and that when possible the foster home would be temporary until the child could get through enough problems to be able to go back to his original home and this process might take a little longer.

CHAIRMAN GRIMES stated that he would like to see the child placed in a permanent home starting from day one whether it is a foster or adoptive plan. **SEN. WATERMAN** replied that the realistic goal would be to have a permanent plan within one year. Sometimes the analysis of what is going to be best takes a while.

Closing by Sponsor:

SEN. WATERMAN stated that the Kellogg Foundation would like a commitment that the state of Montana is going to stand behind them and help change the system, and strive for a goal of one year. Permanency may be a foster home or adoption. They were one of nine successful applicants out of twenty-three. They have taken on the responsibility of these children and have the obligation to find them a good permanent home.

{Tape: 2; Side: A; Approx. Counter: 245; Comments: NA.}

HEARING ON SB 270

Opening Statement by Sponsor:

SEN. JIM BURNETT, SD 12, Luther, explained that this bill requires the destruction of records of reports of child abuse or

neglect if the child is determined not to have been abused or neglected and the initial report is unfounded.

Proponents' Testimony:

Hank Hudson, Director of the Department of Family Services (DFS), said that sometimes people make bad faith referrals or even good faith referrals, but that should not be on record if the person is not found guilty. Also the bill would provide written notice after substantiation.

Bob Torres, National Association of Social Workers, stated that because people change and move there needs to be a consistency in public policy to protect the rights of families and children.

Laurie Koutnik, Executive Director for Christian Coalition of Montana, said this bill is a "good housecleaning measure."

Opponents' Testimony: None

Informational Testimony: None

Questions From Committee Members and Responses:

REP. BRAD MOLNAR asked how the DFS could determine between excessive corporal punishment and abuse. **Mr. Hudson** replied that the DFS investigates every allegation and applies common sense following the guidelines in the law, adding that some parties merely get a warning.

REP. MOLNAR stated that within the law there is room for judgment calls because what may be just a spank on the bottom to the parent may be considered abuse to someone else. **Mr. Hudson** repeated that they use common sense and added that the DFS goes by the terms "permanent or temporary disfigurement," and that in the case where the child got a spanking and the action was reported that this bill would allow for that allegation to be taken from the records.

REP. BILL CAREY asked for clarification between "unfounded" and "unsubstantiated." **Mr. Hudson** explained "unfounded" meant that under investigation the event was found not to have occurred and "unsubstantiated" meant that there was not enough evidence found to support the allegation.

REP. CAREY followed up by inquiring about the number of unfounded and unsubstantiated reports. **Mr. Hudson** stated that the DFS doesn't really use "unfounded" right now but will with a new automated system. He said there were 13,000 reports and 5,000 of those were substantiated, about 40%, and this figure is going down.

Closing by Sponsor:

SEN. BURNETT reiterated the benefits of striking unfounded reports from someone's record.

{Tape: 2; Side: A; Approx. Counter: 850; Comments: NA.}

HEARING ON SB 271

Opening Statement by Sponsor:

SEN. JIM BURNETT, SD 12, Luther, explained that this bill would define the policy for the Department of Family Services (DFS) to try to place a child who is removed from the home with an approved extended family member. He drafted an amendment to further clarify conditions.

Proponents' Testimony:

Hank Hudson, Director of the DFS feels this is a good policy to help provide continuity for the child.

{Tape: 2; Side: B; Approx. Counter: 000; Comments: n/a.}

Bob Torres, National Associaton of Social Workers, stated that people needed to be aware of policies and terms encoded by the legislature that will be consistent.

Opponents' Testimony: None

Informational Testimony: None

Questions From Committee Members and Responses:

REP. BRAD MOLNAR asked if juvenile probation officers have to check with the DFS before making any placements. **Mr. Hudson** replied that any reference to what probation officers do should be made in the youth court and be coordinated with the DFS.

Closing by Sponsor:

SEN. BURNETT expressed his appreciation for the support and consideration on this bill.

{Tape: 2; Side: B; Approx. Counter: 118; Comments: NA.}

HEARING ON SB 217

Opening Statement by Sponsor:

SEN. STEVE DOHERTY, SD 24, Great Falls, described the bill as saying that if there is a vacancy in the department that the

EXECUTIVE ACTION ON SB 270

Motion/Vote: REP. BRAD MOLNAR MOVED THAT SB 270 BE CONCURRED IN. The motion carried unanimously.

EXECUTIVE ACTION ON SB 40

Motion: REP. JOHN BOHLINGER MOVED THAT SB 40 BE CONCURRED IN.

Discussion:

REP. BOHLINGER mentioned that this bill gives an opportunity for the state to save money as it is funded through alcohol tax.

Vote: Motion carried 15-1 with REP. BONNIE MARTINEZ voting no.

{Tape: 2; Side: B; Approx. Counter: 550; Comments: NA.}

EXECUTIVE ACTION ON SB 84

Motion: REP. BRUCE SIMON MOVED THAT SB 84 BE CONCURRED IN.

Discussion:

REP. LIZ SMITH clarified that this bill was doing away with the detox program and reusing the monies elsewhere.

REP. CAROLYN SQUIRES clarified where the beginning of the detox program was in Missoula. **Darryl Bruno** replied that people in need are transported to the Montana Chemical Dependency Center.

REP. SQUIRES then asked who pays when the state doesn't and **Mr. Bruno** answered that insurance pays or the costs are absorbed by the hospital.

{Tape: 2; Side: B; Approx. Counter: 625; Comments: REP. MOLNAR asked a question that was not picked up on the tape.}

REP. SIMON said that each county was to provide detox services for that area and one region of the state should not be able to transport people to use the state facility when everyone else goes to their own area.

REP. L. SMITH stated that it was too costly and there was not enough staff to provide for the detox service at the hospitals.

REP. BILL CAREY asked **REP. SQUIRES** to respond to the Montana Hospital Association's assertion that they're dumping an unfunded mandate on the hospitals. She replied that if someone has insurance then it's all right, but otherwise the cost is taken in by the hospital, and that's unfair to the county. She stated

HOUSE OF REPRESENTATIVES

Human Services and Aging

ROLL CALL DATE 3-3-95

NAME	PRESENT	ABSENT	EXCUSED
Rep. Duane Grimes, Chairman	✓		
Rep. John Bohlinger, Vice Chairman, Majority	✓		
Rep. Carolyn Squires, Vice Chair, Minority	✓		
Rep. Chris Ahner	✓		
Rep. Ellen Bergman	✓		
Rep. Bill Carey	✓		
Rep. Dick Green	✓		
Rep. Toni Hagener	✓		
Rep. Deb Kottel	✓		
Rep. Bonnie Martinez	✓		
Rep. Brad Molnar	✓		
Rep. Bruce Simon			✓
Rep. Liz Smith	✓		
Rep. Susan Smith	✓		
Rep. Loren Soft	✓		
Rep. Ken Wennemar		✓	

HOUSE STANDING COMMITTEE REPORT

March 6, 1995

Mr. Speaker: We, the committee on **Human Services and Aging** report that **Senate Bill 270** (third reading copy -- blue) **be concurred in**.

Signed: _____
Duane Grimes, Chair

Carried by: Rep. Bohlinger

Committee Vote:
Yes 16, No 0.

520920SC.Hbk

HOUSE OF REPRESENTATIVES

ROLL CALL VOTE

Human Services and Aging Committee

DATE 3-3-95 BILL NO. SB270 NUMBER

MOTION: Rep. Molnar Do Concur

unanimous

NAME	AYE	NO
Rep. Duane Grimes, Chairman	✓	
Rep. John Bohlinger, Vice Chairman, Majority	✓	
Rep. Carolyn Squires, Vice Chairman, Minority	✓	
Rep. Chris Ahner	✓	
Rep. Ellen Bergman	✓	
Rep. Bill Carey	✓	
Rep. Dick Green	✓	
Rep. Toni Hagener	✓	
Rep. Deb Kottel	✓	
Rep. Bonnie Martinez	✓	
Rep. Brad Molnar	✓	
Rep. Bruce Simon	✓	
Rep. Liz Smith	✓	
Rep. Susan Smith	✓	
Rep. Loren Soft	✓	
Rep. Ken Wennemar	Absentee vote	

HOUSE OF REPRESENTATIVES
VISITORS REGISTER

Human Services & Aging

DATE 3-3-95

BILL NO. SB 270 SPONSOR(S) Burnett

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NAME AND ADDRESS	REPRESENTING	Support	Oppose
John Melcher Jr.	DFS		
MARY ALICE COOK	ADV. for MTS CHILDREN	✓	
Laurie Kostnik	Christian Coalition of MT	✓	
Bob Torres	NASW	✓	

PLEASE LEAVE PREPARED TESTIMONY WITH SECRETARY. WITNESS STATEMENT FORMS ARE AVAILABLE IF YOU CARE TO SUBMIT WRITTEN TESTIMONY.